

# Town of Frederick Board of Trustees



Eric Doering, Mayor

Sue Wedel, Mayor Pro Tem  
Liberta Hattel, Trustee  
Amy Schiers, Trustee

Tony Carey, Trustee  
Gerry Pfirsch, Trustee  
Jim Wollack, Trustee

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AM 2009-065

## RESOLUTION OF SUFFICIENCY TO ANNEX 20.915 ACRES OF RIGHTS-OF-WAY AND ORPHANED LAND

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**Agenda Date:** Town Board Meeting – July 28, 2009

**Attachments:**

- a. Petition
- b. Letter of intent / project description
- c. Vicinity Map
- d. Annexation Map
- e. Resolution

**Fiscal Note:** None noted

  
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Marcia Lierman, Finance Director

**Submitted by:**   
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Todd C. Tucker, Staff Planner

**Approved for Presentation:**   
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Derek Todd, Town Administrator

**AV Use Anticipated** Projector \_Y\_ Laptop \_\_\_

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**Certification of Board Approval:**

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Nanette Fornof, Town Clerk

\_\_\_\_\_  
Date

**Summary Statement:** On behalf of the Weld County Commissioners and the Town of Frederick, Mayor Eric Doering has requested that public hearings be scheduled for consideration of the proposed annexations involving 20.915 acres (17.715 acres of road right-of-way and 3.206 acres of orphaned land) at various locations in and around the Town of Frederick. Staff finds the petition and application for annexation in substantial compliance with the applicable provisions of the Land Use Code and has referred the request to the Board of Trustees for a finding of sufficiency and adoption of the following hearing dates in order to meet the public notice requirements for consideration of the request to annex:

- ☐ 7:30 pm August 18, 2009 Planning Commission
- ☐ 7:00 pm September 8, 2009 Board of Trustees

**Detail of Issue/Request:** The applicant has requested the annexation of nine orphaned areas of land, eight of which consist of public rights-of-way and orphaned land that is owned by the Town but under the County's jurisdiction, as follows:

- Annexation 1: 2.181 acres consisting of 557 linear feet of road rights-of-way along Ridgeway Boulevard north of Tipple Parkway (CR16) and an additional 2,639 linear feet of road rights-of-way extending east from Ridgeway Boulevard (CR 15) along the north side of Tipple Parkway (CR 16) (SW ¼ S29, T2N, R67W), to be zoned R-1.
- Annexation 2: 0.827 acres consisting of 550 linear feet of road rights-of-way along Tipple Parkway (CR16) extending west from the I-25 frontage road (SE ¼ S27, SW ¼ S26, NW ¼ S35, NE ¼ S34, T2N, R 68W) to be zoned BLI.
- Annexation 3: 1.071 acres consisting of 1,293 linear feet of road rights-of-way along Silver Birch Boulevard (CR 11) north of Godding Hollow Parkway (CR 18) (SW ¼ S24, T2N, R68W) to be zoned R-1.
- Annexation 4: 6.660 acres consisting of about one mile of road rights-of-way along Silver Birch Boulevard between Tipple Parkway (CR 11) and Godding Hollow Parkway (CR 18) (E½ S26, W½ S25 T2N, R 68W) to be zoned R-1.
- Annexation 5: 4.388 acres consisting of 2,640 linear feet of road rights-of-way along Godding Hollow Parkway (CR18) between Silver Birch Boulevard (CR 11) and Colorado Boulevard (CR 13) (SW¼ S24, N½ S25, T2N, R 68W); zoning between Silver Birch Boulevard and Colorado Boulevard to be R-1, C-N, P, and C-C.
- Annexation 6: 0.97 acres consisting of 1,106 linear feet of road rights-of-way along Colorado Boulevard (CR 13) just north of CO 52 (SW¼ S31, T2N, R67W) to be zoned C-H52.
- Annexation 7: 3.2 acres of town owned land just northwest of Milavec Lake (NE ¼ S 24, T2N, R 68W) to be zoned Public.
- Annexation 8: 0.406 acres consisting of 970 linear feet of road rights-of-way along Colorado Boulevard (CR 13) just north of Tipple Parkway (CR 16) (SW ¼ S 30, T2N, R67W) to be zoned C-N.
- Annexation 9: 1.212 acres consisting of 1,319 linear feet of road rights-of-way along William Bailey Boulevard north of Majestic and west of Meadowlark Business Park (NE ¼ S25, T2N, R68W) to be zoned BLI.

The zoning for a 0.756 acre portion of Tipple Parkway to R-1 (low Density Residential) located between Colorado Boulevard and Oak Street (SW ¼ S30, T2N, R67W), as well as the zoning of previously annexed land along Godding Hollow Parkway involving 1.799 acres (SW ¼ S24, N ½ S 25, T2N, R68W) shall also be considered. The total area of orphaned land and rights-of-way annexed consists of about 20.915 acres while the total area of land and rights-of-way to be zoned consists of about 23.47 acres.

The intent of the annexation and zoning of these areas is to simplify jurisdictional boundaries, improve management and maintenance of public lands, and minimize confusion regarding Town boundaries and permitted uses (see attached map and plats).

**Applicant:** Eric Doering, Mayor, Town of Frederick

**Agent:** Jenn Simmons, Planning Director, Town of Frederick

**Owner:** Weld County and Town of Frederick

**Discussion:** Staff finds that the application is in substantial compliance with the applicable requirements and eligible for annexation. Therefore, in accordance with Section 13.5 of the Land Use Code, the Board of Trustees may, by the adoption of a resolution of intent to annex, set the annexation and zoning for public hearing on a specified date, time and place, not less than thirty days nor more than sixty days from the effective date of the resolution, subject to compliance with Section 31-12-108, C.R.S.

**Legal/Political Considerations:** Eligibility for annexation shall be determined by conformity with the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended and as determined by the Board of Trustees in its sole discretion. Furthermore, in accordance with the provisions of the Land Use Code, the Board of Trustees may annex the land by ordinance without election.

Authorization to proceed in scheduling public hearings for the proposed annexation and zoning does not obligate the Town to annex the site or vest any particular use. This authorization establishes the review schedule and determines the public hearing dates for the proposed annexation.

There are specific public notice requirements for annexations that will be met in accordance with the recommended hearing schedule. The annexation and zoning of the site is subject to review and approval through the applicable process as outlined in the Town's Land Use Code and governed by State law.

**Alternatives/Options:** The Board may authorize the request, deny the request, or make modifications based on any new information to further the intent of the code and accommodate the unique features and circumstances of the site.

The proposed hearing dates comply with the public notice provisions of the Land Use Code; note that these notice provisions ensure that all interested parties have equal opportunity to participate in the public process.

**Financial Considerations:** Not Applicable

**Staff Recommendation:** Staff finds the application can meet the applicable requirements for annexation and respectfully requests that the Board of Trustees find the application sufficient for consideration at the following hearing dates:

- ☐ 7:30 pm August 18, 2009 Planning Commission
- ☐ 7:00 pm September 8, 2009 Board of Trustees